

ADR

E-FILING

1 Fred W. Schwinn (SBN 225575)  
2 CONSUMER LAW CENTER, INC.  
3 12 South First Street, Suite 1014  
4 San Jose, California 95113-2418  
5 Telephone Number: (408) 294-6100  
6 Facsimile Number: (408) 294-6190  
7 Email Address: fred.schwinn@sjconsumerlaw.com

8 Attorney for Plaintiff  
9 AUDREY E. HUBBARD

FILED

FEB 10 2012

RICHARD W. WERNER,  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

LAW  
S- RJD

JG  
PSG

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

10 AUDREY E. HUBBARD,

11 Plaintiff,

12 v.

13 HUNT & HENRIQUES, a general  
14 partnership, MICHAEL SCOTT HUNT,  
15 individually and in his official capacity, and  
16 JANALIE ANN HENRIQUES, individually  
and in her official capacity,

17 Defendants.

CV Case No. 12-00679

COMPLAINT

DEMAND FOR JURY TRIAL

15 United States Code § 1692 et seq.

18 Plaintiff, AUDREY E. HUBBARD, based on information and belief and investigation of  
19 counsel, except for those allegations which pertain to the named Plaintiff or her attorneys (which are  
20 alleged on personal knowledge), hereby makes the following allegations:

21 **I. INTRODUCTION**

23 1. This is an action for statutory damages, attorney fees and costs brought by an  
24 individual consumer for Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. §  
25 1692, et seq. (hereinafter "FDCPA") which prohibits debt collectors from engaging in abusive,  
26 deceptive and unfair practices.

27 / / /  
28

2. According to 15 U.S.C. § 1692:

a. There is abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors. Abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy.

b. Existing laws and procedures for redressing these injuries are inadequate to protect consumers.

c. Means other than misrepresentation or other abusive debt collection practices are available for the effective collection of debts.

d. Abusive debt collection practices are carried on to a substantial extent in interstate commerce and through means and instrumentalities of such commerce. Even where abusive debt collection practices are purely intrastate in character, they nevertheless directly affect interstate commerce.

e. It is the purpose of this title to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses.

## II. JURISDICTION

Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.

4. This action arises out of Defendants' violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* ("FDCPA").

11

### **III. VENUE**

5. Venue in this judicial district is proper pursuant to 28 U.S.C. § 1391(b), in that a substantial part of the events or omissions giving rise to the claim occurred in this judicial district. Venue is also proper in this judicial district pursuant to 15 U.S.C. § 1692k(d), in that Defendants transact business in this judicial district and the violations of the FDCPA complained of occurred in this judicial district.

#### **IV. INTRADISTRICT ASSIGNMENT**

6. This lawsuit should be assigned to the San Jose Division of this Court because a substantial part of the events or omissions which gave rise to this lawsuit occurred in Santa Clara County.

## V. PARTIES

7. Plaintiff, AUDREY E. HUBBARD (hereinafter "Plaintiff"), is a natural person residing in Santa Clara County, California. Plaintiff is a "consumer" within the meaning of 15 U.S.C. § 1692a(3) and a "senior citizen" within the meaning of Cal. Civil Code § 1761(f).

8. Plaintiff is informed and believes, and thereon alleges that Defendant, HUNT & HENRIQUES (hereinafter "H&H"), is or was at all relevant times, a general partnership engaged in the business of collecting debts in this state with its principal place of business located at: 151 Bernal Road, Suite 8, San Jose, California 95119-1306. H&H may be served as follows: Hunt & Henriques, c/o Michael Scott Hunt, General Partner, 151 Bernal Road, Suite 8, San Jose, California 95119-1306 and as follows: Hunt & Henriques, c/o Janalie Ann Henriques, General Partner, 151 Bernal Road, Suite 8, San Jose, California 95119-1306. The principal business of H&H is the collection of debts using the mails and telephone, and H&H regularly attempts to collect debts alleged to be due another. H&H is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6).

1           9. Defendant, MICHAEL SCOTT HUNT (hereinafter "HUNT"), is a natural person  
2 and licensed attorney in the state of California. HUNT may be served at his current business address at:  
3 Michael Scott Hunt, Hunt & Henriques, 151 Bernal Road, Suite 8, San Jose, California 95119-1306.  
4 The principal purpose of HUNT's business in the collection consumer debts due or alleged to be due  
5 another. HUNT is regularly engaged in the business of collecting consumer debts by filing and  
6 maintaining numerous civil debt collection lawsuits on behalf of others and obtaining judgments in  
7 those lawsuits by utilizing the U.S. Mail, telephone and internet. HUNT is a "debt collector" within the  
8 meaning of 15 U.S.C. § 1692a(6).

9  
10         10. Defendant, JANALIE ANN HENRIQUES (hereinafter "HENRIQUES"), is a  
11 natural person and licensed attorney in the state of California. HENRIQUES may be served at her  
12 current business address at: Janalie Ann Henriques, Hunt & Henriques, 151 Bernal Road, Suite 8, San  
13 Jose, California 95119-1306. The principal purpose of HENRIQUES's business in the collection  
14 consumer debts due or alleged to be due another. HENRIQUES is regularly engaged in the business of  
15 collecting consumer debts by filing and maintaining numerous civil debt collection lawsuits on behalf  
16 of others and obtaining judgments in those lawsuits by utilizing the U.S. Mail, telephone and internet.  
17 HENRIQUES is a "debt collector" within the meaning of 15 U.S.C. § 1692a(6).

18  
19         11. At all times herein mentioned, each of the Defendants was an officer, director,  
20 agent, servant, employee and/or joint venturer of his co-defendants, and each of them, and at all said  
21 times, each Defendant was acting in the full course and scope of said office, directorship, agency,  
22 service, employment and/or joint venture. Any reference hereafter to "Defendants" without further  
23 qualification is meant by Plaintiff to refer to each Defendant, and all of them, named above.

24  
25          **VI. FACTUAL ALLEGATIONS**

26  
27         12. On a date or dates unknown to Plaintiff, Plaintiff incurred a financial obligation,

1 namely a consumer credit account issued by Capital One Bank (USA), N.A. (hereinafter "the debt").  
2 The debt was incurred primarily for personal, family or household purposes and is therefore a "debt" as  
3 that term is defined by 15 U.S.C. § 1692a(5).

4           13. Plaintiff is informed and believes, and thereon alleges, that sometime thereafter on  
5 a date unknown to Plaintiff, the debt was placed, assigned or otherwise transferred to Defendants for  
6 collection from Plaintiff.

7           14. Thereafter, Defendants sent a collection letter to Plaintiff which is a  
8 "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C. § 1692a(2).

9           15. A true and accurate copy of the collection letter from Defendants to Plaintiff is  
10 attached hereto, marked Exhibit "1," and by this reference is incorporated herein.

11           16. The collection letter (Exhibit "1") was dated July 23, 2010.

12           17. The collection letter (Exhibit "1") was the first written communication from  
13 Defendants to Plaintiff in connection with the collection of the alleged debt.

14           18. On or about August 3, 2010, Plaintiff's counsel, Fred W. Schwinn of the  
15 Consumer Law Center, Inc., sent a letter to Defendants via facsimile which stated in relevant part:

16           I have attached a copy of your most recent correspondence for your reference. Please be  
17 advised that the consumer debtor in the matter referenced above has retained the services  
18 of the Consumer Law Center, Inc., to assist in this matter. The purpose of this letter is  
19 two-fold. First, I wish to provide you with written notice in your capacity as a creditor,  
20 collection agent, or collection attorney that this consumer debtor, now our client, is in  
21 fact and in law REPRESENTED BY AN ATTORNEY. As a result of this notice, and  
22 pursuant to Sections 1692b(6) and 1692c(a)(2) of Title 15 of the United States Code and  
23 Section 1788.14(c) of the California Civil Code, you are to immediately terminate any  
24 further direct or indirect contacts with our client. Please note that such prohibited  
25 contacts include, but are not limited to, all forms of communication by letter, phone, fax,  
26 email or any other means. This also includes any contact directly or indirectly with any  
27 employer, family member, friend, or other creditor of our client.  
28           \*\*\*

Upon receipt of this letter, any future direct or indirect contacts with our client will result  
in our office filing a claim against you under the Federal Fair Debt Collection Act, the  
California Civil Code, and any other available and applicable state or federal laws. If it

1 becomes necessary to file any and all such claims, then please be advised and take due  
2 notice that our client will be seeking actual damages, statutory damages, court costs, and  
3 our reasonable attorney fees based on our hourly rate of \$ 350.00. You are also hereby  
4 placed on notice that if unlawful and illegal conduct persists or is egregious, then our  
client will also seek an award of punitive damages as may be determined at the  
discretion of the Court.

5 Based on the foregoing, any further communications concerning our client and/or the  
6 subject debt must be directed to the Consumer Law Center, Inc. Be advised that any  
request for information will be addressed in a reasonable time period.  
7

8 Finally, please note that our is a senior citizen and any further collection  
communications will cause her undue stress and anxiety. See Cal. Civil Code § 3345.  
9

10 19. A true and accurate copy of Plaintiff's counsel's August 3, 2010, representation  
letter is attached hereto, marked Exhibit "2," and by this reference is incorporated herein.  
11

12 20. A Memory Transmission Report attached as the last page of Exhibit "2" verifies  
13 that the 4 page document was transmitted to facsimile machine 408-362-2299 on August 3, 2010, and  
14 that said transmission was completed and that all pages were received and that the Memory  
15 Transmission Report was generated which confirmed said transmission and receipt.  
16

17 21. Plaintiff is informed and believes, and thereon alleges that Defendants had actual  
knowledge that Plaintiff was represented by an attorney with regard to the debt alleged to be owed to  
18 Capital One Bank (USA), N.A., on August 3, 2010.  
19

20 22. Plaintiff is informed and believes, and thereon alleges that Defendants had actual  
knowledge that Plaintiff was a senior citizen on August 3, 2010.  
21

22 23. After receiving Plaintiff's counsel's letter notifying Defendants of Plaintiff's  
representation by an attorney (Exhibit "2"), Defendants continued to communicate directly with  
24 Plaintiff in an attempt to collect the alleged debt.  
25

26 24. On or about February 21, 2011, Defendants sent a collection letter directly to  
Plaintiff which is a "communication" in an attempt to collect a debt as that term is defined by 15 U.S.C.  
27  
28

1 § 1692a(2).

2 25. A true and accurate copy of the collection letter from Defendants to Plaintiff is  
3 attached hereto, marked Exhibit "3," and by this reference is incorporated herein.

4 26. As a senior citizen subjected to Defendants' abusive, deceptive and unfair  
5 collection practices, Plaintiff is entitled to treble damages pursuant to Cal. Civil Code § 3345.

7 **VII. CLAIMS**

8 **FAIR DEBT COLLECTION PRACTICES ACT**

9 27. Plaintiff brings the first claim for relief against Defendants under the Fair Debt  
10 Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

11 28. Plaintiff incorporates all paragraphs in this Complaint as though fully set forth  
12 herein.

13 29. Plaintiff is a "consumer" as that term is defined by the FDCPA, 15 U.S.C. §  
14 1692a(3).

15 30. Defendant, H&H, is a "debt collector" as that term is defined by the FDCPA, 15  
16 U.S.C. § 1692a(6).

17 31. Defendant, HUNT, is a "debt collector" as that term is defined by the FDCPA, 15  
18 U.S.C. § 1692a(6).

19 32. Defendant, HENRIQUES, is a "debt collector" as that term is defined by the  
20 FDCPA, 15 U.S.C. § 1692a(6).

21 33. The financial obligation owed by Plaintiff is a "debt" as that term is defined by the  
22 FDCPA, 15 U.S.C. § 1692a(5).

23 34. Defendants have violated the FDCPA. The violations include, but are not limited  
24 to, the following:

a. Defendants continued to communicate directly with Plaintiff regarding the collection of the debt alleged to be owed to Capital One Bank (USA), N.A., after Defendants had actual knowledge that Plaintiff was represented by an attorney with respect to the alleged debt, in violation of 15 U.S.C. § 1692c(a)(2).

35. Defendants' acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the debt.

36. As a result of Defendants' violations of the FDCPA, Plaintiff is entitled to an award of statutory damages, costs and reasonable attorneys fees, pursuant to 15 U.S.C. § 1692k.

### **VIII. REQUEST FOR RELIEF**

Plaintiff requests that this Court:

- a) Assume jurisdiction in this proceeding;
  - b) Declare that Defendants violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692c(a)(2);
  - c) Award Plaintiff statutory damages in an amount not exceeding \$1,000, pursuant to 15 U.S.C. § 1692k(a)(2)(A);
  - d) Award Plaintiff the costs of this action and reasonable attorneys fees pursuant to 15 U.S.C. § 1692k(a)(3);
  - e) Award Plaintiff treble damages pursuant to Cal. Civil Code § 3345; and
  - f) Award Plaintiff such other and further relief as may be just and proper.

00000

1 CONSUMER LAW CENTER, INC.  
2  
3

4 By: /s/ Fred W. Schwinn   
5 Fred W. Schwinn (SBN 225575)  
6 CONSUMER LAW CENTER, INC.  
7 12 South First Street, Suite 1014  
8 San Jose, California 95113-2418  
9 Telephone Number: (408) 294-6100  
10 Facsimile Number: (408) 294-6190  
11 Email Address: fred.schwinn@sjconsumerlaw.com

12 Attorney for Plaintiff  
13 AUDREY E. HUBBARD  
14  
15

16 **CERTIFICATION PURSUANT TO CIVIL L.R. 3-16**

17 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named  
18 parties, there is no such interest to report.

19   
20 /s/ Fred W. Schwinn  
21 Fred W. Schwinn, Esq.

22 **DEMAND FOR JURY TRIAL**

23 PLEASE TAKE NOTICE that Plaintiff, AUDREY E. HUBBARD, hereby demands a trial by  
24 jury of all triable issues of fact in the above-captioned case.

25   
26 /s/ Fred W. Schwinn  
27 Fred W. Schwinn, Esq.



HUNT & HENRIQUES  
ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306  
RETURN SERVICE REQUESTED

# L. HUNT & HENRIQUES

ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306

TELEPHONE(408) 362-2270  
FACSIMILE (408) 362-2299

P1697X00200956 I00958  
S-SFHUHE10 L-DD0000H0 A-566154.001  
AUDREY E HUBBARD  
8282 MURRAY AVE SPC 92  
GILROY CA 95020-4609

MICHAEL S. HUNT  
JANALIE HENRIQUES

||||||||||||||||||||||||||||||||||||||

July 23, 2010

RE: CAPITAL ONE BANK (USA), N.A.  
Account Number: 4388642026594617  
Balance due as of July 23, 2010: \$6,668.57

Our client, CAPITAL ONE BANK (USA), N.A. has engaged this law firm to make demand for payment in full on your account referenced above. Your account is in default and has been closed and formal demand is now being made for the entire outstanding balance. As of the date of this letter, your total debt is \$6,668.57. This amount may increase because of interest.

If you want to resolve this matter, you may pay the outstanding balance stated above to satisfy your account or contact us at 1(800) 496-5051 and arrange a payment plan that is acceptable to our client.

Our client considers this to be a serious matter. A legal proceeding is a matter of public record. If a lawsuit is filed, the local court could enter a judgment against you for the entire balance of your account plus, to the extent provided in your account agreement and permitted by law, attorney's fees, court costs and interest.

**Federal law gives you 30 days after you receive this letter to dispute the validity of the debt or any part of it. If you do not dispute the validity of the debt, or any part of it, within that period, we will assume that the debt is valid. If you dispute the debt, or any part of it, in writing - by mailing a notice to this firm to that effect on or before the 30th day following the date you receive this letter - we will obtain and mail to you proof (verification) of the debt. And if, within the same period, you request in writing the name and address of the original creditor (if different from our client), we will furnish you with that information too. Upon receipt of your written dispute, all efforts to collect this debt will be suspended until we mail any required information to you. Our client will wait until sufficient time has elapsed for this firm to be able to receive a written notice of dispute from you - even if you mail it on the 30th day following the date you receive this letter - before authorizing us to file suit against you to collect this debt.**

The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person, to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP (1-877-382-4357) or [www.ftc.gov](http://www.ftc.gov).

This communication is from a debt collector. This letter is an attempt to collect a debt and any information obtained will be used for that purpose.

You may contact us toll free at 1(800) 496-5051.

Very truly yours,

Janalie Henriques  
HUNT & HENRIQUES

The above attorney personally requested this letter be sent after he/she reviewed relevant portions of our file for the limited purpose of sending this letter.



**Consumer Law Center, Inc.**

12 South First Street, Suite 1014  
San Jose, CA 95113-2418  
(408) 294-6100  
Fax: (408) 294-6190

**FAX COVER SHEET**

FAX NUMBER TRANSMITTED TO: 408-362-2299

To: Janalie Henriques  
of: Hunt & Henriques  
From: Fred W. Schwinn  
Client/Matter: Audrey E. Hubbard  
8282 Murray Avenue, Spc. 92  
Gilroy, CA 95020-4609  
Date: August 3, 2010

DOCUMENTS	NUMBER OF PAGES*
Letter with attachment	3

COMMENTS:

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Fred W. Schwinn  
fred.schwinn@sjconsumerlaw.com  
Raeon R. Roulston  
raeon.roulston@sjconsumerlaw.com

**CONSUMER LAW CENTER, INC.**  
12 South First Street, Suite 1014  
San Jose, CA 95113-2418

(408) 294-6100  
Fax (408) 294-6190  
[www.sjconsumerlaw.com](http://www.sjconsumerlaw.com)

Via Fax to: 408-362-2299

August 3, 2010

Janalie Henriques  
Hunt & Henriques  
151 Bernal Road, Suite 8  
San Jose, CA 95119-1306

In the Matter of:      Audrey E. Hubbard  
                          8282 Murray Avenue, Spc. 92  
                          Gilroy, CA 95020-4609  
Your Account or File No(s).: 4388-6420-2659-4617

Dear Ms. Henriques:

I have attached a copy of your most recent correspondence for your reference. Please be advised that the consumer debtor in the matter referenced above has retained the services of the Consumer Law Center, Inc., to assist in this matter. The purpose of this letter is two-fold. First, I wish to provide you with written notice in your capacity as a creditor, collection agent, or collection attorney that this consumer debtor, now our client, is in fact and in law REPRESENTED BY AN ATTORNEY. As a result of this notice, and pursuant to Sections 1692b(6) and 1692c(a)(2) of Title 15 of the United States Code and Section 1788.14(c) of the California Civil Code, you are to immediately terminate any further direct or indirect contacts with our client. Please note that such prohibited contacts include, but are not limited to, all forms of communication by letter, phone, fax, email or any other means. This also includes any contact directly or indirectly with any employer, family member, friend, or other creditor of our client.

Second, this letter is intended to dissuade your firm from filing a lawsuit against our client and reducing the amount that is allegedly owed to a judgment. Should you choose to file a lawsuit against our client in this matter, please be advised that I have reviewed with our client the list of California exemptions provided by the Judicial Council of California and I have determined that our client owns no property that could be subject to attachment or levy. Furthermore, our client's only source of income is Social Security and pension benefits which are likewise exempt under both state and federal law. Our client is therefore "judgment proof." Should you decide to reduce the amount allegedly owed to a judgment, it will remain uncollectible.

Upon receipt of this letter, any future direct or indirect contacts with our client will result in our office filing a claim against you under the Federal Fair Debt Collection Act, the California Civil Code, and any other available and applicable state or federal laws. If it becomes necessary to file any and all such claims, then please be advised and take due notice that our client will be seeking actual damages,

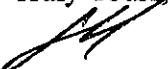
statutory damages, court costs, and our reasonable attorney fees based on our hourly rate of \$ 350.00. You are also hereby placed on notice that if unlawful and illegal conduct persists or is egregious, then our client will also seek an award of punitive damages as may be determined at the discretion of the Court.

Based on the foregoing, any further communications concerning our client and/or the subject debt must be directed to the Consumer Law Center, Inc. Be advised that any request for information will be addressed in a reasonable time period.

Until advised otherwise, you should mark this matter as "disputed" pursuant to U.S.C. §§ 1692e(8) and 1692g(b). I anticipate your cooperation herein.

Finally, please note that our client is a senior citizen and any further collection communications will cause her undue stress and anxiety. See Cal. Civil Code § 3345.

Very Truly Yours,

  
Fred W. Schwinn, Esq.



HUNT & HENRIQUES  
ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306  
RETURN SERVICE REQUESTED

# HUNT & HENRIQUES

ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306  
TELEPHONE(408) 362-2270  
FACSIMILE (408) 362-2299

P1697X00200956 I00958  
S-SFHUHE10 L-DD0000H0 A-566154.001  
AUDREY E HUBBARD  
8282 MURRAY AVE SPC 92  
GILROY CA 95020-4609

MICHAEL S. HUNT  
JANALIE HENRIQUES

||||||||||||||||||||||||||||||||||

July 23, 2010

RE: CAPITAL ONE BANK (USA), N.A.  
Account Number: 4388642026594617  
Balance due as of July 23, 2010: \$6,668.57

Our client, CAPITAL ONE BANK (USA), N.A., has engaged this law firm to make demand for payment in full on your account referenced above. Your account is in default and has been closed and formal demand is now being made for the entire outstanding balance. As of the date of this letter, your total debt is \$6,668.57. This amount may increase because of interest.

If you want to resolve this matter, you may pay the outstanding balance stated above to satisfy your account or contact us at 1(800) 496-5051 and arrange a payment plan that is acceptable to our client.

Our client considers this to be a serious matter. A legal proceeding is a matter of public record. If a lawsuit is filed, the local court could enter a judgment against you for the entire balance of your account plus, to the extent provided in your account agreement and permitted by law, attorney's fees, court costs and interest.

**Federal law gives you 30 days after you receive this letter to dispute the validity of the debt or any part of it. If you do not dispute the validity of the debt, or any part of it, within that period, we will assume that the debt is valid. If you dispute the debt, or any part of it, in writing - by mailing a notice to this firm to that effect on or before the 30th day following the date you receive this letter - we will obtain and mail to you proof (verification) of the debt. And if, within the same period, you request in writing the name and address of the original creditor (if different from our client), we will furnish you with that information too. Upon receipt of your written dispute, all efforts to collect this debt will be suspended until we mail any required information to you. Our client will wait until sufficient time has elapsed for this firm to be able to receive a written notice of dispute from you - even if you mail it on the 30th day following the date you receive this letter - before authorizing us to file suit against you to collect this debt.**

The state Rosenthal Fair Debt Collection Practices Act and the Federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person, to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP (1-877-382-4357) or [www.ftc.gov](http://www.ftc.gov).

This communication is from a debt collector. This letter is an attempt to collect a debt and any information obtained will be used for that purpose.

You may contact us toll free at 1(800) 496-5051.

Very truly yours,

Janalie Henriques  
HUNT & HENRIQUES

The above attorney personally requested this letter be sent after he/she reviewed relevant portions of our file for the limited purpose of sending this letter.

## MEMORY TRANSMISSION REPORT

TIME : 08-03-'10 17:31  
 FAX NO.1 : 408-294-6190  
 NAME : Consumer Law Center

FILE NO. : 345  
 DATE : 08.03 17:26  
 TO : 3622299  
 DOCUMENT PAGES : 4  
 START TIME : 08.03 17:26  
 END TIME : 08.03 17:31  
 PAGES SENT : 4  
 STATUS : OK

\*\*\* SUCCESSFUL TX NOTICE \*\*\*

**Consumer Law Center, Inc.**  
 12 South First Street, Suite 1014  
 San Jose, CA 95113-2418  
 (408) 294-6100  
 Fax: (408) 294-6190

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DOCUMENTS	NUMBER OF PAGES*
Letter with attachment	3

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**MICHAEL S. HUNT  
JANALIE HENRIQUES**

**HUNT & HENRIQUES**  
ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306

AREA CODE 408  
TELEPHONE 362-2270  
FACSIMILE 362-2299

February 21, 2011

Re: CAPITAL ONE BANK (USA), N.A.  
Account Number: XXXXXXXXXXXXXXX4617  
Total: \$7503.32

Dear AUDREY E HUBBARD,

We have been notified by our process server that you have now been served with a Summons and Complaint. We would like to invite you to contact this office regarding the above account to discuss a resolution prior to our office proceeding further, and potentially asking the court to enter a judgment against you.

Once a judgment is entered, it is public record and may appear on your credit report. Also, if a judgment is obtained, additional costs and interest may be added to your judgment balance. You should consider if it is in your best interest to resolve this debt now. Please call our office at our toll free number (800) 496-5051.

Your prompt attention to this matter is imperative.

Very truly yours,

**Hunt & Henriques  
Attorneys at Law**

Letter Serve Jst#: 566154.001  
(Please use this number as a reference when calling or mailing our office)

This firm is a debt collector. The purpose of this letter is to collect a debt and any information obtained will be used for the purpose of collecting the debt.

\*California, Colorado, Massachusetts Residents - see reverse side for information on your rights as a consumer per Debt Collection Practices.

X

Detach bottom section and return with payment

X

**HUNT & HENRIQUES  
ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306  
RETURN SERVICE REQUESTED**

RECEIVED	
CAPITAL ONE BANK (USA), N.A.	
ACCOUNT NUMBER	AMOUNT DUE
XXXXXXXXXXXXX4617	\$7503.32

S-SFHUHE10 L-DD000099 A-566154.001  
P1EVI400214579 I25071

AUDREY E HUBBARD  
8282 MURRAY AVE SPC 92  
GILROY CA 95020-4609



HUNT & HENRIQUES  
ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306

CALIFORNIA RESIDENTS:

The state Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or [www.ftc.gov](http://www.ftc.gov).

COLORADO RESIDENTS:

"FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE [WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM](http://WWW.AGO.STATE.CO.US/CADC/CADCMAN.CFM)."

"A CONSUMER HAS THE RIGHT TO REQUEST IN WRITING THAT A DEBT COLLECTOR OR COLLECTION AGENCY CEASE FURTHER COMMUNICATION WITH THE CONSUMER. A WRITTEN REQUEST TO CEASE COMMUNICATION WILL NOT PROHIBIT THE DEBT COLLECTOR OR COLLECTION AGENCY FROM TAKING ANY OTHER ACTION AUTHORIZED BY LAW TO COLLECT THE DEBT."

MASSACHUSETTS RESIDENTS:

NOTICE OF IMPORTANT RIGHTS YOU HAVE THE RIGHT TO MAKE A WRITTEN OR ORAL REQUEST THAT TELEPHONE CALLS REGARDING YOUR DEBT NOT BE MADE TO YOU AT YOUR PLACE OF EMPLOYMENT. ANY SUCH ORAL REQUEST WILL BE VALID FOR ONLY TEN DAYS UNLESS YOU PROVIDE WRITTEN CONFIRMATION OF THE REQUEST POSTMARKED OR DELIVERED WITHIN SEVEN DAYS OF SUCH REQUEST. YOU MAY TERMINATE THIS REQUEST BY WRITING TO THE COLLECTION AGENCY.

HUNT & HENRIQUES  
ATTORNEYS AT LAW  
151 BERNAL ROAD, SUITE 8  
SAN JOSE, CA 95119-1306  
RETURN SERVICE REQUESTED

**PRESORTED**  
**FIRST-CLASS**

**AUDREY E HUBBARD**  
8282 MURRAY AVE SPC 92  
GILROY CA 95020-4609  
S-SFHUHE10 L-DG000089 A-566-154.001  
P1EV1400214579 125071